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SUPERIOR COURT  
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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF COCHISE**

STATE OF ARIZONA,	)	Case No.: CR 2017-00516
	)	
Plaintiff,	)	<b>MOTION FOR DISCLOSURE</b>
	)	
v.	)	
	)	
ROGER DELANE WILSON,	)	
Defendant.	)	Assigned to Hon. James L. Conlogue
_____	)	

COMES NOW the Defendant, ROGER D. WILSON, by and through his attorney, STEVEN D. WEST, and hereby moves for an order from the court requiring the State to produce any and all information that it has gained relating to this case that pertains to either a witness that the State intends to call as a witness, or that the State knows would be beneficial for the defense to call as a witness.

This motion is supported by the following memorandum of points and authorities.

## MEMORANDUM OF POINTS AND AUTHORITIES

As this court knows, the State just recently disclosed a witness that it expects to call at trial, who had been known to the State for over a year prior to the State's disclosure. It appears that the State was attempting to gain an unfair advantage over the defendant, who is now attempting to prevent any action of this nature from recurring and causing yet another delay in the trial.

Therefore, the defense is requesting that the State be ordered to provide the following information to the defense within ten days of the hearing of this motion. It is clear that *Rule 15.1* of the *Arizona Rules of Criminal Procedure* requires a continuing "duty" to disclose, and it requires that all witnesses and exhibits be provided a minimum of thirty (30) days prior to trial.

The following items are being formally requested by the defense:

1. Any and all statements, notes of agents of the state, notes of witnesses contacted by the State, and/or any other memorializing of witnesses with whom Det. Borquez, Ms. Zucco, or any other agent of the State has spoken, which has not already been disclosed to date.
2. A specific list of the witnesses that the State is expecting to "realistically" call at trial, i.e. a *Romero* list.
3. A specific list of the exhibits that the State is expecting to "realistically" use

at trial by way of either introducing as evidence, using for illustrative purposes, and/or reports that will be used to refresh the memories of witnesses.

4. The defense is also requesting that this order make it clear to the State that the defense has a right to interview all witnesses expected to be called by the State. The fact that an investigator spoke with a witness at some point in time during which this case has been pending, does not suffice to qualify as an "interview." A statement taken by a defense investigator is equivalent to a law enforcement report. It provides information that must be disclosed, but, by no means does it substitute for an interview. In fact, *Rule 15.3* of the *Arizona Rules of Criminal Procedure* provides for the ability to "depose" witnesses, when they refuse to grant a "personal interview." *Rule 15.3(a)(2), Arizona Rules of Criminal Procedure.*

WHEREFORE the defendant requests that the court issue an order that the State disclose any and all information it has gained through investigation of this case, that has not been disclosed to date. Further, that the court order that **all** witnesses listed by the State be scheduled for interviews by the defense, for the foregoing reasons.

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RESPECTFULLY submitted this 15<sup>th</sup> day of November, 2019



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Steven D. West  
Attorney for Defendant Wilson

Copy of the foregoing  
mailed/delivered this date to:

Lori Zucco  
Deputy County Attorney  
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Bisbee, Arizona 85603